

REMARKS

Applicant requests reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the following remarks.

Claims 1-15 remain pending in this application, with claim 1 being the sole independent claim. The claims have not been amended herein.

Claims 1, 2, 4, 6-8, 14, and 15 are rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by Fujita (U.S. Patent Application Pub. No. 2002/0172109). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Fujita. Claims 3 and 9-13 are under 35 U.S.C. § 103(a) as being unpatentable in view of Fujita and Japanese Patent Document No. 08-249695 (hereinafter “JP ‘695”).

Applicant respectfully traverses these rejections, and submits the claims are patentably distinguishable from the cited references for at least the following reasons.

Independent claim 1 recites an optical pickup device comprising, inter alia, a supporting body for supporting a lens holding body so that the lens holding body is movable in at least one of a focusing direction and a tracking direction of the objective lens with respect to the support body.

The Office Action cites Fujita as disclosing an optical pickup device which anticipates the optical pickup device recited in claim 1. In formulating the rejection, the Office Action asserts that the device of Fujita includes a support body in the form of side wall portions 102c, which supports a lens holding body in the form of lens holder 102a, to allow the lens holding body to move in at least one of a focusing direction and a tracking direction of the objective lens 103.

Assuming, arguendo, that the side wall portions 102c and lens holder 102a of Fujita can be equated to the claimed support body and lens holding body, Applicant submits that the configuration of these elements in Fujita is different than in the claimed invention. Claim 1 recites that the lens holding body is moveable in at least one of a focusing direction and a tracking direction with respect to the support body. In other words, the lens holding body of claim 1 is movable relative to the support body. On the other hand, in Fujita the side wall portions 102c and lens holder 102a are one integral structure, namely, the lens unit 102. See, e.g., Fujita, Figures 2 and 5. The lens holder 102a cannot move relative to the side wall portions 102c. Instead, the lens holder 102a and side wall portions 102c move together when the lens unit 102 is set in motion. See Fujita, paragraphs 0022, 0023, and 0025. Thus, Fujita does not disclose or suggest lens holding body is moveable in at least one of a focusing direction and a tracking direction with respect to the support body, as recited in independent claim 1.

Applicant further submits that JP '695 does not cure the deficiencies of Fujita with respect to claim 1. JP '695 is cited in the Office Action as disclosing certain features of the dependent claims. Applicant submits, however, that JP '695 does not disclose or suggest a lens holding body that is moveable in at least one of a focusing direction and a tracking direction with respect to the support body.

For at least the foregoing reasons, Applicant submits that references cited in the Office Action, whether taken individually or collectively, fail to disclose or suggest the invention recited in independent claim 1.

In view of the foregoing remarks, it is respectfully submitted that the pending claims are allowable over the references of record, and that the application is in condition

for allowance. Favorable reconsideration and early passage to issue of the application are earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicant
Registration No.: 60, 081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCIS_WS 2385988v1